

Service Date: August 6, 2002

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF the Application of)	UTILITY DIVISION
NORTHWESTERN ENERGY, L.L.C'S)	
2002 Annual Avoided Cost Compliance Filing,)	DOCKET NO. D2002.7.80
Schedule Nos. QFLT-1 and STPP-1.)	ORDER NO. 6434

PROTECTIVE ORDER

On July 1, 2002, Northwestern Energy (NWE) filed a Motion for Protective Order to govern certain information expected to be filed in the above-entitled docket. NWE requests protection of information relating to Colstrip 3 & 4 coal costs, coal price information and market based coal cost information. Some of the information protected in D2001.7.100, NWE's 2001 Annual Avoided Cost Tariff filing, is the same kind of information requested as part of the instant filing. The information for which NWE requests protection is market based coal cost information which NWE is required to protect by signed agreements with coal providers. NWE argues that release of this information could competitively disadvantage the parties to the coal agreements and that the identified information is trade secret in accordance with § 30-14-402, MCA, and should therefore be protected.

The Commission determines that the identified information could be confidential and subject to protection from public disclosure pursuant to § 69-3-105, MCA, and Art. II, § 10, Montana Constitution. Therefore, the Commission grants NWE's Motion for Protective Order request and hereby orders that information submitted in accordance with this Order be treated as "confidential information" under the terms of this Order and Commission protective order rules, ARM 38.2.5001 through 38.2.5030.

Done and dated this 23rd day of July, 2002 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.

Montana Public Service Commission
Protective Orders and Protection of Confidential Information

Nondisclosure Agreement

(7-26-00)

ARM 38.2.5012

Docket No. D2002.7.80, Order No. 6434

Order Action Date: July 23, 2002

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

Typed or Printed Name

Signature

Date of Signature

Business Address:

Employer

Party Represented